

### REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

**Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jokinen et al. (U.S. Publication 2002/0095333) in view of Lehikoinen et al. (U.S. Publication 200210077060).**

**Regarding claim 14. Jokinen teaches a method comprising: maintaining in a wireless device a list of real-world services that are available from a user of the device through an application running on the device, see [0038], [0040], and [0047]; and through a wireless communication channel, broadcasting information from the device indicative of the available real-world services, see [0040], 0054].**

The applicant respectfully disagrees. The lists identified in Jokinen are a database maintained by the wireless service provider of the advertisers currently providing advertisements to the service provider's customers [0040], and a database of the profiles of the customers, describing what advertisements they wish to receive [0047]. Neither is "a list of real-world services that are available from an application running on [a wireless] device," and Jokinen does not describe and would not have made obvious any such list. (The applicant assumes the examiner intended to quote the amended claims in the above-quoted passage.)

As described in paragraph [0054] of Jokinen, the "generated advertising messages" of that disclosure are broadcast to potential customers through the mobile network, not "from the device [providing the services]," as in claim 14.

**Jokinen fails to teach that the wireless device is a handheld wireless device. In an analogous art, Lehikoinen teaches a portable transceiver 14 which is used to broadcast services to another wireless devices (see [0030] and [0040]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lehikoinen with Jokinen in order to provide portability to the broadcast services.**

The purported obviousness of the wireless device being handheld is not relevant to the fact that the cited references do not disclose and would not have made obvious either

“maintaining in [the] device a list of real-world services that are available from an application running on the device” or “broadcasting [such] information from the device [itself].”

Regarding claim 15, Jokinen also teaches that the information is broadcast periodically, see [0048].

Regarding claim 16, Jokinen also teaches that another wireless device that receives the broadcast information accesses one of the available real-world services, see figure 10 and [0055].

Regarding claim 17, the apparatus claim is interpreted and rejected for the same reason as set forth in the method claim 14.

Claim 17 is patentable for at least the reasons for which claim 14 is patentable. The dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

3. Claims 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Irvin (US 6,658,264).

Regarding claim 23, Irvin teaches a method comprising: maintaining a list of short-range wireless devices within range of a first short-range wireless device (col. 8, 59-64); transmitting a message from an identified user of the first device to a second identified user of a second wireless device over a communication medium (col. 8, 64-66), the communication medium being selected based at least in part on whether the second device is included on the list, the selection being transparent to the user of the first device (col. 8, 66 through col. 9. 4).

Regarding claim 24, Irvin also teaches that if the second device is included on the list, the message is transmitted to the second device over a short-range radio link, and if the second device is not included on the list, the message is transmitted to the second device using another communication medium (col. 8, 64 through col. 9. 4).

Regarding claim 25. Irvin also teaches that if the second device is not included on the list, the message is transmitted to the second device over either the Internet or by mobile telephony (col. 8,64 through col. 9,4).

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Regarding the rejection of independent claim 23, Applicant argues that Irwin's list appears to be maintained without regard to which other devices are or are not within range.

In response, Irwin's double entry handbook maintains the list of walkie-talkie (or Bluetooth, which is within a short-range communication, see abstract and column 8, line 59 through column 9, line 5), which is preferred to be used. Therefore, Irwin does teach the claimed limitation.

Claim 23 has been amended. The maintenance of a double-entry phonebook in Irwin lists addresses corresponding to a preferred method of communication, such that they will be used if the devices having those addresses are within range. It does not list whether they are **in fact** within range. Irwin does not describe and would not have made obvious a list of "devices that are known to be within range of" the communicating device.

The use of a Bluetooth packet header address as an access number in the list is unrelated to the fact that the list maintained in Irwin does not indicate whether any devices are in fact within range of the communicating device.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

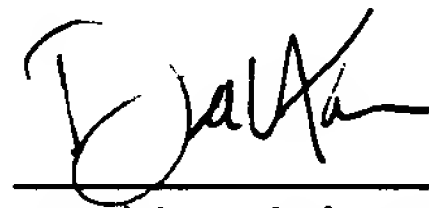
Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Please apply any charges or credits to deposit account 06-1050, reference 12206-002001.

Respectfully submitted,

Date: \_\_\_\_\_

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